

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOHN J. DIAMONT, JR.

Defendant.

CRIMINAL NO. 05-10154-MLW

**MOTION TO IMPOUND DEFENDANT’S OPPOSITION TO EX PARTE MOTION TO
QUASH OR MODIFY SUBPOENA DUCES TECUM TO ACCOUNTANTS O’BRIEN
GRANT AND ASSOCIATES AND ABRAMS LITTLE-GILL LOBERFELD, P.C.**

Pursuant to Local Rule 7.2, defendant John Diamont moves to impound his Opposition to Ex Parte Motion to Quash or Modify Subpoena Duces Tecum to Accountants O’Brien Grant and Associates and Abrams Little-Gill Loberfeld, P.C. In support of this Motion, Mr. Diamont states that his Opposition relates to matters that this Court consistently has held should be discussed only under seal.¹ Mr. Diamont has served his Opposition on counsel for movants O’Brien Grant and Associates and Abrams Little-Gill Loberfeld, P.C., but believes that it should be withheld from the government’s counsel and from the public in light of the Court’s previous orders regarding the confidentiality of (1) one of the subject subpoenas, and (2) Mr. Diamont’s justifications for both subpoenas.

WHEREFORE, Mr. Diamont asks the Court to impound Defendant’s Opposition to Ex Parte Motion to Quash or Modify Subpoena Duces Tecum to Accountants O’Brien Grant and

¹ See December 14, 2005, Electronic Order granting Motion to Seal; November 22, 2005, Redacted Memorandum of Decision and Order granting in part and denying in part Defendant’s Motion for Pre-Trial Subpoenas (doc. #33); November 1, 2005, Electronic Order granting Motion to Seal; October 7, 2005, Electronic Order; August 24, 2005, Electronic Order granting Defendant’s Motion to Seal Portions of his Memorandum.

Associates and Abrams Little-Gill Loberfeld, P.C., and withhold that Opposition from public inspection until further order of the Court.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen
Michael Kendall (BBO #544866)
Lauren M. Papenhausen (BBO #655527)
McDERMOTT WILL & EMERY LLP
28 State Street
Boston, MA 02109
617-535-4000
Fax: 617-535-3800
mkendall@mwe.com
lpapenhausen@mwe.com

Dated: February 7, 2006

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have conferred with counsel for the government and counsel for movants O'Brien Grant and Associates and Abrams Little-Gill Loberfeld, P.C., and have attempted in good faith to resolve or narrow the issue presented in this Motion.

/s/ Lauren M. Papenhausen

CERTIFICATE OF SERVICE

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 7, 2006.

/s/ Lauren M. Papenhausen